

REMARKS:

Entry of the foregoing and reexamination and reconsideration of the subject application, as amended, and in light of the remarks that follow, are respectfully requested. The Applicants appreciate the Examiner's useful suggestions.

The Office Action dated 13 September 2005 rejected all pending claims under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite, and also rejected some of the pending claims under 35 U.S.C. § 103 as allegedly being obvious in view of the prior art.

Claims 84, 86-92 and 94-101 are pending in the application. All pending claims are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicants have amended all of the independent claims as suggested by the Examiner to overcome the rejections under 35 U.S.C. § 112, second paragraph.

Specifically, independent claims 84 and 91 were rejected regarding the term "capable of being edged". Independent claims 84 and 91 have been amended to state "capable of being edged without destroying or removing material or components needed for the electro-active material to function properly." This amendment closely follows the Examiner's discussion and interpretation at page 2 of Office Action dated 13 September 2005. Support is found in the specification at paragraphs 0092, 0115, 0121, and 0162. Support is also found in the figures, especially Figures 16 and 28.

Additionally, independent claims 94 and 100 were rejected regarding the term "at least partially disposed above a pupil of a wearer's eye." The Examiner suggests that "a wearer of a lens can simply hold the lens above their head," at page 2 of Office Action dated 13 September 2005. The Examiner's term "above their head" is not the same as the claim term "above a pupil." Specifically, the term "above a pupil" optically implies that the wearer's scope of vision (looking out of his pupil) at least partially intersects the electro-active material. In other words, changes in the index of refraction or in the transmission of the electro-active material will affect the wearer's vision.

Further, the Examiner asserts that the term “a wearer’s eye” lacks antecedent basis. Independent claims 94 and 100 have been amended to state “wherein the electro-active material is at least partially disposed above a pupil of a wearer’s eye when the ophthalmic electro-active lens is in an as-worn position.” These amendments follow the Examiner’s suggestions at page 3 of the Office Action.

The above amendments appear to overcome the 35 U.S.C. § 112, second paragraph rejections of all of the independent claims (84, 91, 94, and 100), and similarly overcome the similar rejections of their dependent claims (86-90, 92, 95-99, and 101).

Independent claims 94 and 100 were also rejected under 35 U.S.C. § 103 as allegedly obvious in view of prior art. Independent claims 94 and 100 have been amended by inserting the term “capable of being edged without destroying or removing material or components needed for the electro-active material to function properly.” None of the prior art of record discloses this term. Thus, the above amendments appear to overcome the 35 U.S.C. § 103 rejections of independent claims 94 and 100, and similarly overcome the similar rejections of their dependent claims (95-99, and 101).


By the present amendment, all of the independent claims (84, 91, 94, and 100) are amended. Applicants respectfully submit that the present amendments contain no new subject matter, and are supported by the original specification. Applicants respectfully request entry of the amendment, reconsideration of the pending claims in view of the foregoing amendments and the remarks that follow, and submit that all are in condition for allowance.

CONCLUSION:

Applicants respectfully request entry of the amendment, and submit that all pending claims are in condition for allowance. Should the Examiner determine that any further action is necessary to place the claims in condition for allowance, the Examiner is kindly requested (and encouraged) to telephone the Applicants' undersigned representative at the number listed below.

Respectfully submitted,
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